

Message Text

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PAGE 01 OTTAWA 01074 021952Z

ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SS-15
NSC-05 /059 W

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R 021845Z MAR 78

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 6508

UNCLAS OTTAWA 01074

E.O. 11652:N/A

TAGS: EAIR, CA

SUBJECT: CIVAIR: NOTICE OF DISSATISFACTION AND DISALLOWANCE
OF FARES FILED BY EASTERN

EXTERNAL AFFAIRS HAS INFORMED THE EMBASSY BY NOTE NO.
EBS-439, DATED MARCH 1, 1978, THAT THE AIR TRANSPORT
COMMITTEE HAS DISALLOWED FARES FILED BY EASTERN IN
CONNECTION WITH ITS TRANSPORTATION DIVIDEND VOUCHERS. THE
SUBSTANTIVE PART OF THE TEXT OF THE NOTE FOLLOWS:

QUOTE. ... AND, IN ACCORDANCE WITH ARTICLE XIII OF THE
CANADA-UNITED STATES AIR TRANSPORT AGREEMENT OF JANUARY 17,
1966, AS AMENDED MAY 4, 1974, HAS THE HONOUR TO EXPRESS
THE DISSATISFACTION OF THE CANADIAN AUTHORITIES WITH THE
FARES FILED BY EASTERN AIRLINES INCORPORATED IN AIR TARIFFS
CORPORATION, AGENT TARIFF CTC(A) NO. 46, CAB NO. 55 ON THE
14TH REVISED PAGE 26, RULE NO. 8(9) AND CTC(A) 39 ON 17TH
REVISED PAGE 20 RULE 4(J)(9) TRANSPORTATION DIVIDEND
VOUCHERS, AND IN AIRLINE TARIFF PUBLISHING COMPANY, AGENT
TARIFF CTC(A) NO. 53, CAB NO. 142 ON THE 34TH REVISED
PAGE 114 RULE 241 AND CTC(A) NO. 159, CAB NO. 292 ON 2ND
REVISED PAGE 76 RULE 59 TRANSPORTATION DIVIDEND VOUCHERS
ISSUED 1ST FEBRUARY 1978 AND 31ST JANUARY 1978 RESPECTIVELY
AND MARKED IN EACH CASE TO BE EFFECTIVE ON 5TH APRIL 1978.

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PAGE 02 OTTAWA 01074 021952Z

THE DEPARTMENT WISHES TO ADVISE THE EMBASSY THAT THE AIR
TRANSPORT COMMITTEE OF THE CANADIAN TRANSPORT COMMISSION
HAS DETERMINED THAT THE ABOVE NOTED FILINGS VIOLATE THE
AIR CARRIER REGULATIONS PART V SECTION 44(10) BY OFFERING
REDUCED RATE TRANSPORTATION THROUGH THE DEVICE OF TRANS-
PORTATION DIVIDEND VOUCHERS WITHOUT THE PRIOR APPROVAL OF

THE AIR TRANSPORT COMMITTEE. FURTHER HAVING CONSIDERED THE FILINGS AND JUSTIFICATION OF EASTERN AIRLINES INCORPORATED, THE AIR TRANSPORT COMMITTEE WILL NOT GRANT APPROVAL TO OFFER TRANSPORTATION DIVIDEND VOUCHERS UNDER THE TERMS STATED IN THE ABOVE NOTED TARIFFS AS FIRSTLY SUCH VOUCHERS ARE CONSIDERED TO BE AN UNJUST DISCRIMINATION AGAINST THE GENERAL PUBLIC CONTRARY TO SECTION 45 (2)(A) AND SECONDLY, SUCH VOUCHERS ARE CONSIDERED TO GIVE AN UNREASONABLE PREFERENCE OR ADVANTAGE TO THE SHAREHOLDERS OF EASTERN AIRLINES INCORPORATED CONTRARY TO SECTION 45 (2)(B).

THE AIR TRANSPORT COMMITTEE HAS DISALLOWED THE ABOVE NOTED FILINGS WHICH THEREFORE SHALL HAVE NO FORCE OR EFFECT.

THE DEPARTMENT REQUESTS THE EMBASSY TO REFER THIS EXPRESSION OF DISSATISFACTION TO THE APPROPRIATE UNITED STATES AUTHORITIES AS SOON AS POSSIBLE. UNQUOTE. ENDERS

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NNN

Message Attributes

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Draft Date: 02 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Review Content Flags:
Review Date: 29 mar 2005
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Review Exemptions: n/a
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Review Release Date: N/A
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SAS ID: 3141194
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